Attorney's Docket No.: 004524.P036 PATENT

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

TRANSCEIVER FOR A WIRELESS OPTICAL TELECOMMUNICATION SYSTEM

the specificatio	n of which		
<u></u>	is attached hereto. was filed on (MM/DD/YYYY)March 9, 2001 United States Application Number		_ as
	or PCT International Application Number and was amended on (MM/DD/YYYY)		
	,	(if applicable)	

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application	<u>(s)</u>		Priorit <u>Claim</u>	•
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
I hereby claim the benefi provisional application(s)		States Code, Section 119(e) of ar	ny United	States
Application Number	(Filing Date	- MM/DD/YYYY)		
Application Number	(Filing Date	- MM/DD/YYYY)		

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

09/627,815	July 28, 2000	pending	
Application Number	(Filing Date – MM/DI		patented, pending, abandoned
Application Number	(Filing Date - MM/DI	O/YYYY) Status	patented, pending, abandoned
I hereby appoint the person part of this document) as m substitution and revocation, and Trademark Office conn	y respective patent attor to prosecute this applica	nevs and patent ager	its, with full power of
Send correspondence to	Dennis M. de Guzma	an BLAKELY	, SOKOLOFF, TAYLOR &
ZAFMAN LLP, 12400 Wils telephone calls to <u>Den</u>	(Name of Attorney or A nire Boulevard 7th Floo	Agent) or, Los Angeles, Cal , (425) 827-8600.	•
I hereby declare that all st statements made on infor statements were made wi are punishable by fine or States Code and that such application or any patent	mation and belief are be the the knowledge that to imprisonment, or both to willful false statemen	elieved to be true; a willful false stateme . under Section 1001	and further that these nts and the like so made
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I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

09/627,815	July 28, 2000	pending
Application Number	(Filing Date - MM/DD/YYYY)	Status patented, pending, abandoned
Application Number	(Filing Date – MM/DD/YYYY)	Status patented, pending, abandoned
part of this document) as m	y respective patent attorneys and to prosecute this application and	hich is incorporated by reference and a d patent agents, with full power of d to transact all business in the Patent
ZAFMAN LLP, 12400 Wilslelephone calls to	(Name of Attorney or Agent)	_, BLAKELY, SOKOLOFF, TAYLOR & Angeles, California 90025 and direct 5) 827-8600.
		own knowledge are true and that all to be true; and further that these
statements were made wi are punishable by fine or States Code and that sucl	th the knowledge that willful fa imprisonment, or both, under n willful false statements may	alse statements and the like so made Section 1001 of Title 18 of the United
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statements were made with are punishable by fine or States Code and that such application or any patent  Full Name of Sole/First Inventor's Signature  Residence Seattle, Washing	th the knowledge that willful faimprisonment, or both, under a willful false statements may issued thereon.  In the knowledge that willful false into Charles Gregory Amadon	alse statements and the like so made Section 1001 of Title 18 of the United jeopardize the validity of the
statements were made with are punishable by fine or States Code and that such application or any patent  Full Name of Sole/First Inventor's Signature  Residence Seattle, Washing	th the knowledge that willful faimprisonment, or both, under in willful false statements may issued thereon.  Intor Charles Gregory Amadon  Intor Charles Gregory Amadon  Otton  City, State)	alse statements and the like so made Section 1001 of Title 18 of the United jeopardize the validity of the  Date
statements were made with are punishable by fine or States Code and that such application or any patent  Full Name of Sole/First Inventor's Signature  Residence Seattle, Washing	th the knowledge that willful faimprisonment, or both, under a willful false statements may issued thereon.  Intor Charles Gregory Amadon  Intor Charles Gregory Amadon  Intor Charles Gregory Amadon  Intor Charles Gregory Amadon	alse statements and the like so made Section 1001 of Title 18 of the United jeopardize the validity of the  Date
statements were made with are punishable by fine or States Code and that such application or any patent  Full Name of Sole/First Investment of Sole/First Investment of Sole/First Investment of Seattle, Washing (1997)  Post Office Address 1017 & Seattle  Full Name of Second/Joint	th the knowledge that willful faimprisonment, or both, under a willful false statements may issued thereon.  Intor Charles Gregory Amadon  Intor Charles Gregory Amadon  Intor Charles Gregory Amadon  City, State)  East Blaine Street  In Washington 98102  Inventor Richard D. Rallison	alse statements and the like so made Section 1001 of Title 18 of the United jeopardize the validity of the  Date itizenship USA (Country)
statements were made with are punishable by fine or States Code and that such application or any patent  Full Name of Sole/First Inventor's Signature  Residence Seattle, Washing  (Post Office Address 1017 E	th the knowledge that willful faimprisonment, or both, under a willful false statements may issued thereon.  Intor Charles Gregory Amadon  Intor Charles Gregory Amadon  Intor Charles Gregory Amadon  City, State)  East Blaine Street  In Washington 98102  Inventor Richard D. Rallison	alse statements and the like so made Section 1001 of Title 18 of the United jeopardize the validity of the  Date
statements were made with are punishable by fine or States Code and that such application or any patent  Full Name of Sole/First Investigation or Signature  Residence Seattle, Washing  Post Office Address 1017 E Seattle  Full Name of Second/Joint I	th the knowledge that willful faimprisonment, or both, under in willful false statements may issued thereon.  Intor Charles Gregory Amadon  Giton  City, State)  East Blaine Street  P. Washington 98102  Inventor Richard D. Rallison  Washington Rallison	Date
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statements were made with are punishable by fine or States Code and that such application or any patent  Full Name of Sole/First Investigation or Signature  Residence Seattle, Washing  Post Office Address 1017 Inventor's Signature  Full Name of Second/Joint Inventor's Signature  Residence Paradise, Utah	th the knowledge that willful faimprisonment, or both, under in willful false statements may issued thereon.  Intor Charles Gregory Amadon  Octor, State)  East Blaine Street  P. Washington 98102  Inventor Richard D. Rallison  Washington Rallison  City, State)	alse statements and the like so made Section 1001 of Title 18 of the United Jeopardize the validity of the  Date  Date  (Country)  Date

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iveniors Signature	· · · · · · · · · · · · · · · · · · ·	Date	
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## APPENDIX A

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## APPENDIX B

## Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served. and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.